

vs.)
)
1. CITY OF TAHLEQUAH,)
et al.)
)
Third-Party Defendants.)

**ANSWER OF THIRD PARTY DEFENDANTS, HOBY FERRELL (NO. 24)
AND GREATER TULSA INVESTMENTS, LLC (NO. 25)
TO THIRD PARTY COMPLAINT**

COME NOW Third-Party Defendants, Hoby Ferrell (“Ferrell”) and Greater Tulsa Investments, LLC (“GTI”), and for their Answer to the Third Party Complaint of Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., Cobb-Vantress, Inc., Georges, Inc., George’s Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc. and Willow Brook Foods, Inc., allege and state:

1. These Third-Party Defendants deny each and every material allegation against them as alleged in the Third Party Complaint.

2. Third-Party Defendant Ferrell states that he no longer owns a legal interest in the property described in paragraph 42 of the Third Party Complaint, having sold same earlier this year.

3. Third-Party Defendants Ferrell and GTI deny that the activities described in paragraph 42 resulted in a release of phosphorous or any harmful constituents into the Illinois River Watershed.

AFFIRMATIVE DEFENSES

1. The Third-Party Complaint fails to state a claim upon which relief can be granted against these Third-Party Defendants.

2. Third Party Plaintiffs lack standing to pursue their alleged claims against

these Third-Party Defendants.

3. The claims alleged in the Third-Party Complaint against these Third-Party Defendants are barred by applicable statutes of limitations.

4. The claims alleged in the Third-Party Complaint against these Third-Party Defendants are barred by equitable doctrines of unclean hands, laches and pari delicto.

5. Third-Party Plaintiffs are not entitled to indemnity nor contribution from these Third-Party Defendants.

WHEREFORE, Third-party Defendants, Hoby Ferrell and Greater Tulsa Investments, LLC, pray that Third-Party Plaintiffs take nothing against them by reason of their Third Party Complaint, that they be awarded their costs and or all other appropriate relief to which they may be entitled.

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CERTIFICATE OF SERVICE

I certify that on the 19th day of April, 2006, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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